

flavored, tested preparation in convenient form to use, with plain simple directions * * * Directions * * * The medicine will act more surely and promptly if the stomach and bowels contain little or no food. For this reason it is a good thing to have the patient fast altogether for a day if possible, taking plenty of water but no food. Then give one dose every four hours for three doses and follow with a laxative. Repeat in four or five days if necessary. [Dose same as recommended on box]."

Misbranding was alleged for the further reason that the following statements in the labeling were false and fraudulent: (Tin box) "Candy Worm Expeller"; (circular) "Worm Remedy * * * Candy Worm Remedy * * * tape worm is comparatively rare, especially in children. Children playing in the ground get their hands covered with earth and many times put the hands to the mouth and in this way transfer the germ cells to the body. Tape worms are thought to be caused by swallowing the 'germ cells' or eggs which are often contained in meats. Proper cooking destroys these 'germ cells'; hence the oft repeated caution against eating raw or partially cooked meats. Among the most common symptoms may appear an unnatural thirst, dry, persistent (sic) cough, irregular appetite, itching of the nose, offensive breath, disturbed sleep, grinding of the teeth in sleep, colicky pains and sometimes even convulsions. Puny children suffering from malnutrition are often affected with worms. [Directions and dose as above indicated.]"

On November 8, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25102. Misbranding of Powers Asthma Relief. U. S. v. 95 Cans and 35 Cans of Powers Asthma Relief. Default decree of condemnation and destruction. (F. & D. no. 34375. Sample nos. 16548-B, 16549-B.)

This case involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On November 14, 1934, the United States attorney for Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 95 small cans and 35 large cans of Powers Asthma Relief at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about October 26, 1934, by the E. C. Powers Co., from Boston, Mass., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of potassium nitrate and plant material including stramonium.

The article was alleged to be misbranded in that the following statements appearing in the labeling were statements regarding the curative and therapeutic effects of the article and were false and fraudulent: (Metal containers, large and small size) "Asthma Relief For The Relief of Asthma And Hay Fever * * * severe * * * worst cases * * * Asthma Relief Formerly Known As * * * Asthma Specific"; (circulars, large and small size) "Asthma And Hay Fever * * * Spasmodic Asthma. It is not my purpose in this brief pamphlet to enlarge on the various theories as to the cause, relief, and cure of Asthma and Hay Fever, but to briefly describe the most prominent symptoms and outline a rational method of treatment, which is simple, comparatively inexpensive, and generally satisfactory. Asthma is, in the strictest sense, a paroxysmal disease; that is, the attack is sudden, and usually in the night; yet there are many exceptional cases, where the spasm is as severe and of as frequent occurrence during the day. Notwithstanding its suddenness, asthmatics are nearly always warned of an approaching attack by some of the following Symptoms Headache or drowsiness, want of appetite, the discharge of a large quantity of nearly colorless urine, tightness across the chest, and flatulency are the most prominent symptoms which often precede for several hours, or even longer, an attack of asthma; but these symptoms may be slight or altogether absent. Should the paroxysm come on in the night or during sleep, the sufferer becomes restless and is often disturbed by frightful dreams. He starts suddenly from a sound sleep into an erect position, and a feeling of approaching suffocation comes over him. The respiration is wheezy and whistling, the nostrils are dilated, and extreme suffering and anxiety are depicted on the features. One moment the face will be pale, and the next flushed, while in many cases it alternates from one condition to the other. On awaking, the first impulse is to fly to the window

for air, and, though it may be the coldest night of winter, he rarely experiences any ill effects from the exposure. Causes The cause which underlies all cases of asthma is the spasmodic contraction of the minute bronchial tubes, owing in part to a diseased nervous condition. Secondary or exciting causes are numerous, but are powerless to produce asthma, except in persons predisposed to it. The odor of new-mown hay sometimes produces 'hay asthma.' The inhalation of dust, the fumes of burning sulphur,—from a lighted match, for example,—or the powder of various dried plants and roots, especially that of ipecac, or the dust of grain or coal, each of these, with various other dusts and odors, may excite asthma in those predisposed to it. Violent mental emotions, indigestion, constipation, disorders connected with the menstrual functions, excess in eating and drinking, overwork of body or mind, and want of sleep may each be the exciting cause of asthma, and so may any habit or influence which depresses the nervous system and saps the general vitality and, finally, taking cold very frequently brings on the disease. Hence it is of more frequent occurrence in winter, and the spasms are more violent and longer continued than in summer. Treatment Asthma is one of the few diseases which are rarely cured although marked benefit almost always follows proper treatment. During the period of freedom from the disease, every effort should be made to correct all irregularities of the system, such as constipation, dyspepsia, general debility, etc. Removal to another climate often proves beneficial, or going from the city to the country, or the reverse; but changes of residence almost invariably afford but temporary relief. Constitutional treatment, however, is not enough. We need something to control the paroxysms speedily and with safety to the patient. The originator of Powers' Asthma Relief, in his long experience as a dispensing pharmacist, has closely and interestedly watched the course of this hitherto unmanageable disease on a large number of his customers. For several years he made this disease a special study, having access to the best medical works on the subject, and the advice of physicians of extensive practice, and the result of all these years of study, observation, and experiment is embodied in Powers' Asthma Relief, which for over Thirty Years has received the hearty indorsement of an ever-increasing number of sufferers. Its effects have been closely observed in many cases of every shade of severity, defects remedied, and improvements made until it is now presented to you as a Valuable, Safe, And Reliable Preparation For The Relief of the most aggravated cases of Spasmodic Asthma, and that milder form, commonly known as Hay Asthma or Hay Fever. * * * severe * * * worst cases."

Misbranding was alleged for the further reason that the following statements appearing in the labeling were false and misleading since they created an impression that the article conformed to the requirements of the Food and Drugs Act whereas it did not: "That it may in all respects conform to the requirements of The Food and Drugs Act of June 30, 1906, the name has been changed, but No Change Has Been Made In The Formula nor is it necessary by the enactment of this law."

On November 12, 1935, the E. C. Powers Co., having withdrawn its claim and answer, and no other claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25103. Misbranding of Roo-Mo-Rub. U. S. v. 249 Packages and 141 Packages of Roo-Mo-Rub. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 35374. Sample no. 24519-B.)

The alcoholic content of this article was not stated on the carton in which it was shipped. The statement in that regard on the bottle label was in small type and was inconspicuously placed. An examination of the article showed that it contained no ingredient or combination of ingredients capable of producing certain curative or therapeutic effects claimed on the bottle label, and in statements appearing on the carton in which it was shipped and in a circular enclosed in the package.

On April 12, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed a libel praying seizure and condemnation of 290 packages of Roo-Mo-Rub at Atlantic City, N. J., alleging that the article had been shipped on or about February 2, 1935, by the Roo-Mo-Rub Corporation, from Philadelphia, Pa., to Atlantic City, N. J., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Package) "Roo-Mo-Rub."